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|--|--|------------------------|--------------------|
| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | | Application Number | 09/862,914 |
| | | Filing Date | 05-22-2001 |
| | | First Named Inventor | MAGINE, DANIEL J. |
| | | Art Unit | 3662 |
| | | Examiner Name | PIHULIC, DANIEL T. |
| | | Attorney Docket Number | DJM0001 |
| Total Number of Pages in This Submission | | | |

| ENCLOSURES (Check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Return receipt post card. | |

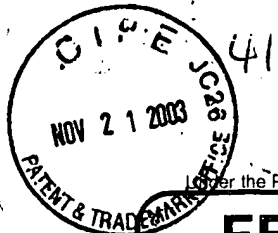
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|-------------------------|
| Firm or Individual name | Daniel J. Magine |
| Signature | <i>Daniel J. Magine</i> |
| Date | Nov. 19, 2003 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|-------------------------|------|---------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Daniel J. Magine | | |
| Signature | <i>Daniel J. Magine</i> | Date | Nov. 19, 2003 |

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)1807.00

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 091862,914 |
| Filing Date | 05-22-2001 |
| First Named Inventor | MAGINE, DANIEL J. |
| Examiner Name | PIHULIC, DANIEL T |
| Art Unit | 3662 |
| Attorney Docket No. | DJM0001 |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

| | |
|------------------------|--|
| Deposit Account Number | |
| Deposit Account Name | |

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) 0 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Fee from below | Fee Paid |
|--------------------|-----------------------------|----------|
| 230 | 182 Extra Claims x 9 = 1638 | 432 |
| Independent Claims | 20 x 5 = 100 | 215 |
| Multiple Dependent | 16 x 145 = 2320 | 1160 |

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> |
|---------------------|----------|---------------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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SUBMITTED BY

| | | | | | |
|-------------------|------------------|-----------------------------------|--------------|-----------|--------------|
| Name (Print/Type) | Daniel J. Magine | Registration No. (Attorney/Agent) | | Telephone | 847-776-9466 |
| Signature | Daniel J. Magine | Date | Nov. 19/2003 | | |

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Serial No. 09/862,914 – Magine, et al.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Daniel Pihulic
(703) 306-4168 (ph), (703) 872-9326 (fax: non-final response)
Inventors: Daniel J. Magine and Kevin D. Kaschke
Docket No.: DJM0001 *Priority Date:* None
Appln. No.: 09/862,914 *Group Art Unit:* 3662
Filing Date: May 22, 2001
Entitled: Underwater Alert System

Daniel J. Magine
2217 West Palatine Road
Inverness, Illinois 60067

November 19, 2003

Amendment and Response

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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1. Responsive to the Office Action dated August 19, 2003 for the above-identified patent application, the Applicant hereby submits the present amendment and response within the three month shortened statutory period set to expire three months from the date of the present Office Action on November 19, 2003.

2. Claims 1-182 were pending in the application.

3. The Examiner allowed claims 1-132 and 166-178.

4. The Examiner withdrew the allowance of claims 133-165 in view of newly discovered reference Cochran DiveMaster and Nemesis IIa.

5. The Examiner rejected claims 133-138, 151, 152, 155, 156, 158, 159, 163, 165, and 179-182 under 35 U.S.C. 102(b) as being anticipated by the Cochran DiveMaster and Nemesis IIa dive instruments.

11/25/2003 KBETEM1 00000057 09862914

01 FC:2202 432.00 OP
02 FC:2201 215.00 OP
03 FC:2203 1160.00 OP

Adjustment date: 11/28/2003 KBETEM1
11/25/2003 KBETEM1 00000057 09862914
03 FC:2203 1160.00 OP

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11/28/2003 KBETEM1 00000024 09862914

01 FC:2203 145.00 OP

Refund Ref:
11/28/2003 KBETEM1 0000132534

CHECK Refund Total: \$1015.00

Serial No. 09/862,914 – Magine, et al.

6. The Examiner objected to claims 139-150, 153, 154, 157, 160-162, and 164 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The Applicant provides 230 claims total, including 21 independent claims and 8 multiple dependent claims (113, 114, 194-199), in the present amendment.

8. The Applicant encloses the appropriate fee for the newly added claims.

9. The Applicant provides the amended claims as a marked up version showing additions as underlined and deletions as a strikethrough. No new matter has been added by this amendment.

10. In the present amendment:

a. Claims 1-139 generally claim the mask alert concept disclosed in the present application as the first and second embodiments.

The Applicant amended claims 1-139 to represent previously added dependent claims closer to the claims on which they depend, amended some of amended claims 1-139 to correct for antecedent basis, and added some new claims among claims 1-139. The Examiner previously allowed all of the previously presented claims related to the mask alert concept disclosed in the present application as the first and second embodiments. Therefore, claims 1-139 should be allowable.

b. Claims 140-230 generally claim the dive computer data concept disclosed in the present application as the third embodiment.

The Examiner rejected, objected to, and allowed some of the previously presented claims related to the dive computer data concept disclosed in the present application as the third embodiment, as noted above.

Independent claims 140, 167, 191, 192, and 193 should now be allowable, since they are based on previously presented claim 157, which was objected to by the Examiner.

Independent claim 173 should now be allowable, since it is based on previously presented claim 166, which was allowed by the Examiner, and previously presented claim 154, which was objected to by the Examiner.

Independent claim 200 should now be allowable, since it is based on previously presented claim 146 and 150, which was objected to by the Examiner.

Serial No. 09/862,914 – Magine, et al.

Independent claim 206 should now be allowable, since it is based on previously presented claim 139, which was objected to by the Examiner.

Independent claim 209 should now be allowable, since it is based on previously presented claim 141, which was objected to by the Examiner.

Independent claim 215 should now be allowable, since it is based on previously presented claim 153, which was objected to by the Examiner.

Independent claim 216 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the claimed first and second identity selection devices used in combination with the claimed transmitter and the receiver assemblies, as claimed.

Independent claim 219 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, used in combination with the claimed transmitter assembly, as claimed.

Independent claim 225 should be allowable because the Cochran DiveMaster/Nemesis II references do not teach or suggest, alone or in combination, the receiver assembly, including a second dive computer and a display adapted to display the first dive computer data and/or the second dive computer data, as claimed.

11. The Applicant submits that all of the present claims are now in a condition for allowance, and hereby request reconsideration of allowance.

12. Any inquiry related to this response should be communicated to Daniel J. Magine at the address and phone number presently on file with the USPTO.

Respectfully submitted,
Daniel J. Magine, et al.

By: Daniel J. Magine
Daniel J. Magine